

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION**

PATRICK LEE DUNCAN,
Plaintiff

v.

**CLIFFORD A. BROWN, LEON
GRIZZARD, and TERRY KEEL,**
Defendants

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Case No. 1:24-CV-00044-RP

ORDER

Plaintiff Patrick Lee Duncan filed his Complaint on January 11, 2024 (Dkt. 1). To date, however, there is no indication that Plaintiff has served Defendants with the complaint and summons. “If a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” FED. R. CIV. P. 4(m). More than 90 days have passed since Plaintiff filed his Complaint.

IT IS ORDERED that Plaintiff shall show cause in writing on or before **May 10, 2024**, as to why the claims against Defendants should not be dismissed for failure to timely effect service. Failure to do so may result in the dismissal of this action. *See* FED. R. CIV. P. 41(b) (action may be dismissed for want of prosecution or failure to comply with court order); *Larson v. Scott*, 157 F.3d 1030, 1031 (5th Cir. 1998) (district court has authority to dismiss case for want of prosecution or failure to comply with court order).

SIGNED on April 19, 2024.



SUSAN HIGHTOWER
UNITED STATES MAGISTRATE JUDGE